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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------------|---------------------|------------------|
| 10/722,041 | 11/24/2003 | Christopher F. Freudenberg | BPL0002/US | 8334 |

7590 05/12/2008
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| EXAMINER |
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| ART UNIT | PAPER NUMBER |
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DATE MAILED: 05/12/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

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| Notification of Non-Compliant Appeal Brief (37 CFR 41.37) | Application No. 10/722,041 | Applicant(s) FREUDENBERG ET AL. | |
| | Examiner David M. Purol | Art Unit 3634 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 26 February 2008 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

/David M Purol/
Primary Examiner
Art Unit 3634

Continuation of 10. Other (including any explanation in support of the above items):

Regarding the Status of the Claims: A statement of the status of all the claims in the application is to be provided, including the claims which have been canceled. The statement referring to each claims dependency is improper and the statement referring to the grounds of rejection is improper.

Regarding the Summary of Claimed Subject Matter: The discussion has not been mapped correctly for in each of the claimed limitations there is to be a statement setting forth the structure, material, or acts described in the specification with reference to the specification by page and line number, and to the drawings by reference characters. The brief as filed provides page nos. and lines nos. to reference the specification but does not associate each of the listed page nos. and lines nos. to each respective claimed limitation nor does it use reference characters. Furthermore, the discussion refers to subject matter that is not claimed which is improper.

Regarding the Argument: Claims which have been argued separately are to be placed under a subheading identifying the claim by number and the claims which have been argued as a group are to be placed under a subheading identifying the claims by number.